IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.108 OF 2005

Smt.Indubai d/o Bhagya Shardul
(since deceased through L.Rs.) ...Appellants

vs.

Smt.Parvatibai wd of Ragho
Shardul and others ...Respondents

Mr.D.B.Patil for the Appellants
Mr.S.A.Sawant for the Respondent No.1
Mr.P.G.Pravin for Respondent Nos.2 to 6.

CORAM: A.S.OKA,J.
DATE : MARCH 30, 2005.

P.C.:

1. Heard Counsel appearing for the parties. The Appeal is by the legal representatives of the original Plaintiff. The original Plaintiff claimed share in the undivided share of her father in the joint family property. Admittedly, the father died in the year 1940. Therefore, the share of the father went to other surviving coparceners by survivorship as the Plaintiff-daughter could not have claimed share in the property of her father in the year 1940.

2. In view of clear legal position the Appellate court has set aside the decree passed by the Trial Court and held that the Plaintiff-daughter could not have acquired any share in the undivided share of her father as the father died prior to coming into force the Hindu Succession Act.

3. No substantial question of law arises in the Appeal.

Second Appeal is dismissed with no order as to costs.

JUDGE.